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10 Attorneys for Defendant THE BOARD OF TRUSTEES
11 OF THE UNIVERSITY OF ILLINOIS, erroneously sued as
12 THE UNIVERSITY OF ILLINOIS-URBANA CHAMPAIGN

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

15 ST. LUKE SCHOOL OF MEDICINE;
16 DR. JERROLL B.R. DOLPHIN and
17 DR. ROBERT FARMER on behalf of
18 himself and all others similarly situated, as
19 applicable,

20 Plaintiffs,

21 v.

22 REPUBLIC OF LIBERIA; MINISTRY OF
23 HEALTH, a Liberian Governmental
24 Agency; MINISTRY OF EDUCATION, a
25 Liberian Governmental Agency; LIBERIAN
26 MEDICAL BOARD, a Liberian
27 Governmental Agency; NATIONAL
28 COMMISSION ON HIGHER
EDUCATION, a Liberian Governmental
Agency; NATIONAL TRANSITIONAL
LEGISLATIVE ASSEMBLY, a Liberian
Governmental Agency; DR. ISAAC
ROLAND; MOHAMMED SHERIFF; DR.
BENSON BARH; DR. GEORGE GOLLIN;
EDUCATION COMMISSION FOR
FOREIGN MEDICAL GRADUATES; a
Pennsylvania Non-Profit organization;
FOUNDATION FOR ADVANCEMENT
OF INTERNATIONAL EDUCATION
AND RESEARCH; a Pennsylvania Non-
Profit organization, UNIVERSITY OF
ILLINOIS-URBANA CHAMPAIGN, an
Illinois Institution of Higher Learning;
STATE OF OREGON, Office of Degree
Authorization,

Defendants.

Case No.: 10-CV-01791 RGK (SHx)

[Honorable R. Gary Klausner]

**NOTICE OF MOTION AND
MOTION TO:**

- (a) **TO DISMISS (ON
GROUNDS OF
SOVEREIGN IMMUNITY
AND VIOLATION OF
RULE 8)**
- (b) **ALTERNATIVELY FOR
MORE DEFINITE
STATEMENT; AND**
- (c) **TO STRIKE FOR FAILURE
TO PLEAD CLASS**

**[FILED CONCURRENTLY WITH
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION
OF MICHAEL D. YOUNG; AND
[PROPOSED] ORDER]**

[FRCP 8, 12(b)(1), 12(e), 12(f) & 41(b)]

DATE: July 6, 2010
TIME: 9:00 a.m.
COURTROOM: 850

1 TO PLAINTIFFS AND TO THEIR RESPECTIVE COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on July 6, 2010 at 9:00 a.m., or as soon
3 thereafter as the matter may be heard in Courtroom 850 of the above-entitled Court
4 located at 255 East Temple Street, Los Angeles, California 90012, before the
5 Honorable R. Gary Klausner, the Board of Trustees of the University Of Illinois,
6 erroneously sued as the University Of Illinois-Urbana Champaign, will and hereby
7 does move the Court as follows:

8 1. For an order dismissing plaintiffs' [First Amended] Class Action
9 Complaint (hereinafter, the "complaint") for lack of subject matter jurisdiction under
10 the Federal Rules of Civil Procedure¹ 12(b)(1) on the ground that the University is
11 immune from suit in federal court pursuant to the doctrine of sovereign immunity as
12 expressed in the Eleventh Amendment to the U.S. Constitution;

13 2. Alternatively, for an order to dismissing the complaint under
14 Rule 41(b) for failure to comply with Rule 8, which requires that the complaint set
15 forth "a short and plain statement of the claim showing that the pleader is entitled to
16 relief" [FRCP 8(a)(2)], or, at a minimum, for an order requiring plaintiffs to file a
17 more definite statement under Rule 12(e), stating against which defendant(s) each
18 claim is being brought, by whom and on what basis.

19 3. For an order striking any and all class allegations from the
20 complaint under Rule 12(f) due to plaintiffs' failure to properly allege a class action
21 and to comply with Local Rule 23-2.

22 This Motion is based upon this Notice of Motion and Motion, the
23 supporting Memorandum of Points and Authorities, the Declaration of
24 Michael D. Young filed concurrently herewith, the papers and pleadings on file in
25 this matter, and any such other written or oral argument as may be presented prior to

26 _____
27 ¹ All subsequent references to a "Rule" refer to the Federal Rules of Civil Procedure
28 unless otherwise stated.

1 or at the time of the hearing on this matter.

2 As set forth in the Declaration of Michael D. Young, this motion is filed
3 only after making a good faith effort to meet and confer with plaintiffs' counsel,
4 Thaddeus J. Culpepper, in an effort to resolve this matter without the necessity of a
5 motion as required by Local Rule 7-3.

6
7 Respectfully Submitted

8 DATED: June 1, 2010

9 MICHAEL D. YOUNG
NICOLE C. RIVAS
10 **ALSTON & BIRD LLP**

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12 _____
13 Michael D. Young
14 Attorneys for Defendant BOARD OF TRUSTEES
15 UNIVERSITY OF ILLINOIS
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